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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,903	04/01/2005	Minoru Wada	268849US3PCT	5289
22850 7590 02/20/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER NORDMEYER, PATRICIA L	
			ART UNIT 1772	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/20/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/20/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/529,903

Applicant(s)

WADA ET AL.

Examiner

Patricia L. Nordmeyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/19/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Withdrawn Rejections

1. The 35 U.S.C. 103(a) rejection of claims 1 – 3 over Riboud (USPN 3,417,418) in view of Wood (USPN 5,763,038) in the office action dated September 22, 2006 is withdrawn due to Applicant's amendments in the response dated December 19, 2006.

2. The 35 U.S.C. 103(a) rejection of claims 4 and 5 over Riboud (USPN 3,417,418) in view of Wood (USPN 5,763,038) and Shizuno et al. in the office action dated September 22, 2006 is withdrawn due to Applicant's amendments in the response dated December 19, 2006.

Repeated Rejections

3. The nonstatutory obviousness-type double patenting rejection of claims 1, 3 and 5 over claims 1, 5, 6, 7 and 8 of copending Application No. 10/271,788 in the office action dated September 22, 2006 is repeated.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1 – 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not

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described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 contains the language “including an axis of rotation” and “as measured in a direction parallel to the axis of rotation”, which is not supported by the specification. The specification is silent as to how the axis of rotation is to being defined with regard to the adhesive roll. Claim 11 contains similar language that is not supported by the specification.

Claims 2 – 10 are also rejected under 35 U.S.C. 112 1st paragraph due to their dependency on the above rejected claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 – 3, 6 and 9 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riboud (USPN 3,417,418) in view of Wood (USPN 5,763,038).

Riboud discloses an adhesive roll cleaner (Figures 1 – 5; Column 1, lines 23 – 24) comprising a core tube including an axis of rotation (Column 2, lines 55 – 56) and a plurality of adhesive tapes (Column 2, lines 8 – 14), each of the adhesive tapes having an adhesive applied to one side there to form an adhesive portion (Column 2, lines 1 – 5), each of the adhesive tapes

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being helically wound (Column 2, lines 8 – 11, wherein spirally is the same as helically) around the core tube in a layered configuration with the adhesive portion out (Column 2, lines 1 – 5) and each of the adhesive tapes being wound with a gap of prescribed width between every adjacent turn (Column 2, lines 13 – 14) as in claims 1 and 11. However, Riboud fails to teach the adhesive tape which is located at the upper layer having a larger width as measured in a direction parallel to the axis of rotation than that of the adhesive tape which is located at the lower layer, the width of the adhesive tapes increases stepwise toward the upper layer, the adhesive tapes each have a non-adhesive portion with no adhesive applied on both longitudinal sides of the adhesive tape, the positions of the gaps are different between adjacent layers in the thickness direction, wherein the width of the adhesive tapes in each layer stepwise increases with some layers being disposed in first, second and third groups, with the first group being the innermost group and the third group being the outermost group and the width of the adhesive tapes increasing gradually from an innermost layer toward an outermost layer.

Wood teaches an adhesive tape which is located at the upper layer having a larger width than that of the adhesive tape which is located at the lower layer (Column 1, lines 53 – 56), the width of the adhesive tapes increases stepwise or gradually toward the upper layer (Column 3, line 55 to Column 4, line 12), the positions of the perforations are different between adjacent layers in the thickness direction (Figure 4, #32) and the adhesive tapes each have a non-adhesive portion with no adhesive applied on both longitudinal sides of the adhesive tape (Column 2, lines 23 – 29) as part of a lint removal tape (Column 4, line 63) for the purpose of having an outermost

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sheet that covers the perforations of the underneath layers which reduces instances of the tape tearing in a downweb direction (Column 1, lines 59 – 63).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the a upper layer having an increasing larger width the lower adhesive tape and the adhesive tape having non-adhesive portions in Riboud in order to have an outermost sheet that covers the perforations of the underneath layers which reduces instances of the tape tearing in a downweb direction as taught by Wood.

With regard to the limitation of “adhesive tape which is located at the upper layer having a larger width as measured in a direction parallel to the axis of rotation than that of the adhesive tape which is located at the lower layer”, since Applicant’s specification fails to disclose where the axis is located with regard to the adhesive roll, the axis is defined as running parallel to the end of the adhesive roll.

With regard to the limitation of “the width of the of the adhesive tapes in each layer stepwise increases with some layers being disposed in first, second and third groups, with the first group being the innermost group”, it is well settled that a particular shape of a prior invention carries no patentable weight unless the applicant can demonstrate that the new shape provides significant unforeseen improvements to the invention. In the instant case, the application does not indicate any new, significant attributes of the invention due to its shape that would have been unforeseen to one of ordinary skill in the art. Therefore it would have been

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obvious to one of ordinary skill in the art at the time of the invention to change the shape of the adhesive sheet to vary in the width. One skilled in the art would have been motivated to do so in order to have the sheets fit smoothly around the core of the adhesive roller. MPEP 2144.04.

8. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riboud (USPN 3,417,418) in view of Wood (USPN 5,763,038) as applied to claims 1 – 3, 6 and 9 – 11 above, and further in view of Shizuno et al. (US PGPub 2003/0088928).

Riboud, as modified with Wood, discloses an adhesive roll cleaner comprising a core tube and a plurality of adhesive tapes, each of the adhesive tapes having an adhesive applied to one side thereof to form an adhesive portion, each of the adhesive tapes being helically wound around the core tube in a layered configuration with the adhesive portion out, each of the adhesive tapes being wound with a gap of prescribed width between every adjacent turn and the adhesive tape which is located at the upper layer having a larger width than that of the adhesive tape which is located at the lower layer. However, the modified Riboud fails to disclose the gap being between a width of 0.1 to 4.0 mm and the adhesive tapes each have a tear strength of 500 mN or greater as measured with an Elmendorf tear test in accordance with JIS P8116.

Shizuno et al. teach an adhesive roll cleaner that has a gap being between a width of 0.1 to 4.0 mm (Page 2, Paragraph 0018) and the adhesive tapes each have a tear strength of 500 mN or greater as measured with an Elmendorf tear test in accordance with JIS P8116 (Page 2,

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Paragraph 0021) for the purpose of preventing tearing of the adhesive sheet due to clinging debris (Page 2, Paragraph 0024).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the gap and tear strength in the modified Riboud in order to prevent tearing of the adhesive sheet due to clinging debris as taught by Shizuno et al.

9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riboud (USPN 3,417,418) in view of Wood (USPN 5,763,038) as applied to claims 1 – 3, 6 and 9 – 11 above, and further in view of Hukuba (USPN 5,548,861).

Riboud, as modified with Wood, discloses an adhesive roll cleaner comprising a core tube and a plurality of adhesive tapes, each of the adhesive tapes having an adhesive applied to one side there to form an adhesive portion, each of the adhesive tapes being helically wound around the core tube in a layered configuration with the adhesive portion out, each of the adhesive tapes being wound with a gap of prescribed width between every adjacent turn and the adhesive tape which is located at the upper layer having a larger width than that of the adhesive tape which is located at the lower layer. However, the modified Riboud fails to disclose each adhesive tape including a mark indicative of a peel position and where the mark is on a longitudinal side area not including adhesive.

Hukuba teaches each adhesive tape including a mark indicative of a peel position (Figure 6, #8) and where tape has a longitudinal side not including adhesive (Figure 3, #13) for the purpose of indicating the direction along which the sheet is taken or the sheet winding direction (Column 8, lines 13 – 15).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the marking in the modified Riboud in order to indicate the direction along which the sheet is taken or the sheet winding direction as taught by Hukuba.

Hukuba discloses the claimed invention except for the mark is on a longitudinal side area not including adhesive. It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the mark on the longitudinal side area not including adhesive, since it has been held that rearranging parts of an invention involves only routine skill in the art. MPEP 2144.04.

Response to Arguments

10. Applicant's arguments with respect to claims 1 - 11 have been considered but are moot in view of the new ground(s) of rejection. However, since the same prior art is being used in the above rejections, please the responses below.

In response to Applicant's argument that Wood fails to disclose "adhesive tape which is located at the upper layer having a larger width as measured in a direction parallel to the axis of

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rotation than that of the adhesive tape which is located at the lower layer”, since Applicant’s specification fails to disclose where the axis is located with regard to the adhesive roll, the axis is defined as running parallel to the end of the adhesive roll, thereby Wood teaches an adhesive tape which is located at the upper layer having a larger width than that of the adhesive tape which is located at the lower layer (Column 1, lines 53 – 56).

Conclusion

11. Applicant’s amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 10:00-7:30 & alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Nordmeyer
Examiner
Art Unit 1772


pln


NASSER AHMAD 2/13/07
PRIMARY EXAMINER